

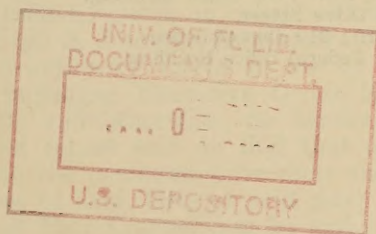
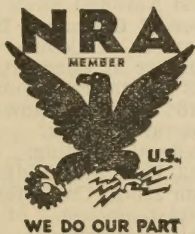
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

AMERICAN GLASSWARE
INDUSTRY

AS APPROVED ON JANUARY 16, 1934

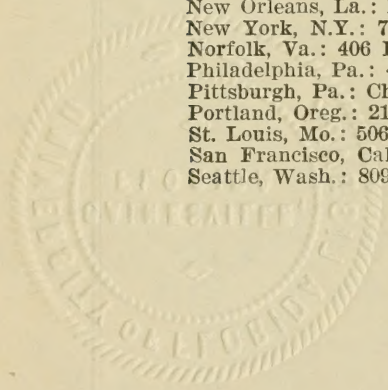


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Approved Code No. 215

CODE OF FAIR COMPETITION

FOR THE

AMERICAN GLASSWARE INDUSTRY

As Approved on January 16, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION

FOR THE

AMERICAN GLASSWARE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the American Glassware Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEORGE L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
January 16, 1934.

(257)

THE PRESIDENT,

The White House.

SIR: A Public Hearing on the Code of Fair Competition for the American Glassware Industry, submitted by the American Glassware Association, located at 19 West 44th Street, New York, N.Y., was conducted in Washington on the 3rd of November 1933 in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 80 percent of the Industry.

This Industry is intimately related to the Glass Container Industry and a number of plants have their production divided between these two Codes. For that reason the hour and wage provisions of this Code have been made to conform with the hour and wage provisions of the Glass Container Code.

The maximum hours permitted under this Code are forty (40) hours per week, as averaged over a period of thirteen (13) weeks, provided, however, that in no case shall any employee be permitted to work in excess of forty-eight (48) hours during any one week. For clerical and office employees a maximum is permitted of forty (40) hours per week averaged over each four (4) weeks' period and not in excess of forty-eight (48) hours in any one week.

The minimum wage is forty cents (40¢) per hour, unless the hourly rate for the same class of work on July 15, 1929, was less than forty cents (40¢) per hour, in which case the minimum wage shall be not less than the wages paid in July 1929, and in no case less than thirty cents (30¢) per hour.

The outlets for the products of this Industry are wholesalers, jobbers, retailers, and various manufacturers of other products who use glass in the fabrication of their commodities, including the manufacture of storage batteries, signal devices, artificial illuminating equipment, etc. The exports to foreign markets are small compared with the total volume of business.

The demand for glass products is fairly uniform throughout the year, due to the wide uses to which glass has been put. Due to the fact that the American Glassware Industry is so interwoven with other industries throughout the country, an upturn in general business conditions should be reflected favorably in this Industry.

On the basis of the 40-hour week, 3,104 wage earners should benefit through reemployment. This increase represents 15.08% which will bring the total number of employees up to 23,797.

The value of commodities produced by the American Glassware Industry aggregated during 1929, \$90,865,936. During 1931 product value declined 32.2 per cent under the 1929 total, or to \$61,633,709.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said Association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

This Industry has cooperated in a most satisfactory manner with the Administrator in the preparation of this Code. From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this Industry and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JANUARY 16, 1934.

CODE OF FAIR COMPETITION

FOR THE

AMERICAN GLASSWARE INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the American Glassware Industry, and its provisions shall be the standards of fair competition for such industry and binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Glassware Industry" as used herein means the business of producing glassware, other than glass marbles, glass containers, flat glass, optical glass, and fabricated laboratory glassware in the continental United States, its territories or possessions.

2. The term "association" means the American Glassware Association.

3. The term "member of the Industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his own behalf.

4. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

5. The term "plant", as used herein, means a place where glassware, as defined in Section 1 of this article, is produced.

6. The terms "Act" and "Administrator" as used herein mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

7. The term "majority vote", as used herein, shall mean that each member of the industry, as defined in Section 3 of this article, shall have one vote and at each meeting of the members of this industry a quorum shall consist of members whose votes represent at least 51% of the total votes and whose registered sales volume equals at least 51% of the total registered sales volume; 75% of the members of the industry present at such meetings shall constitute a majority vote, provided that the total registered sales volume of such number of members equals at least 75% of the total registered sales volume of all members present.

8. The term "staff" means the employed personnel of American Glassware Association, and may be an individual, partnership, or

corporation, which shall not, however, be financially interested in any member of the industry.

9. The term "Divisions" includes the following branches of the Glassware Industry:

A. ILLUMINATING GLASSWARE DIVISION includes all glassware used in connection with artificial sources of illumination where such glassware, by virtue of its shape, design, and material composition, is intended to modify, to reflect, and/or to diffuse, the light emanating from the source of artificial illumination and/or to decorate the same as described in paragraph 1 of this article, excluding those specifically provided for in the definitions of other Divisions.

B. TECHNICAL AND INDUSTRIAL GLASSWARE DIVISION includes—

1. *Glass parts for electrical devices*, consisting of glass parts for electrical lamps (light sources), radio tubes, power vacuum tubes, photo-electric cells, gaseous discharge tubes, X-Ray apparatus, and other similar electrical devices.
2. *Glass insulators and insulation.*
3. *Signal glassware*, consisting of railway, marine, aviation, and traffic signal glassware, including flood lights, battery jars, gauge glasses, and glass parts of signal apparatus, and also lamp chimneys and lantern globes made to specification for railway and marine uses.
4. *Vacuum glassware*, consisting of glassware for insulated or evacuated containers.
5. *Cooking glassware.*

C. LAMP CHIMNEYS AND LANTERN GLOBES DIVISION includes lamp chimneys of a variety of sizes and shapes of blown, clear glassware, plain or decorated, manufactured either by hand or machine, used on lamp equipment which burns kerosene oil or gasoline, or on equipment which simulates such lighting apparatus, except lamp chimneys used in lighthouses or on or in connection with railways and also includes lantern globes (other than railway lantern globes) of a variety of clear and/or colored blown glass shapes manufactured either by hand or machine used on oil lighted equipment, or on equipment which simulates such apparatus.

D. SCIENTIFIC GLASSWARE DIVISION includes laboratory, surgical, and hospital glassware in blown and pressed shapes, also drawn or fabricated tubing and rod, excepting, however, fabricated laboratory glassware.

E. AUTOMATIC TUMBLER GLASSWARE DIVISION includes blown, or pressed, or pressed and blown tumblers produced by full automatic process.

F. AUTOMATIC GLASSWARE DIVISION includes pressed, or pressed and blown, glassware produced by fully automatic process, not specifically defined under other Divisions in the Article.

G. AUTOMOBILE GLASSWARE DIVISION includes lens and other signal glassware for automobiles.

H. BLOWN TABLE GLASSWARE DIVISION includes paste mould, iron mould, and "off-hand" tableware, stemware, tumblers, and kindred items made by hand or semiautomatic process.

I. BLOWN GLASSWARE DIVISION includes those generally listed groups of blown articles, paste and iron mould, made by hand and

semiautomatic processes, clear and colored, plain and decorated, private mould and otherwise, not specifically covered by other Divisions, such as glassware for vending and display devices, cylinders, jars, lamp bases, lamp columns, lamp stems and parts, sacramental glassware, aquaria, seed cups, glassware for coffee- and tea-making devices, and other kindred groups, commonly recognized by the trade.

J. PRESSED GLASSWARE DIVISION A includes those generally listed groups of pressed or pressed and blown glassware, melted in tanks, made by side-lever, rotary, and semiautomatic processes, such as tableware, stemware, tumblers, jars, bar goods, soda-fountain glassware, hotel- and restaurant-supply glassware, kitchen glassware, stationers glassware, and other kindred groups, commonly recognized by the trade.

K. PRESSED GLASSWARE DIVISION B includes those generally listed groups of pressed or pressed and blown glassware, melted in pots, made by side-lever, rotary, and semiautomatic processes, such as tableware, stemware, tumblers, jars, bar goods, soda-fountain glassware, hotel- and restaurant-supply glassware, kitchen glassware, stationers glassware, and other kindred groups, commonly recognized by the trade.

L. GLASSWARE CUTTING AND DECORATING DIVISION (melting plants only) includes all cutting, acid etching, needle etching, sand blasting, or other embellishments added to glassware blanks by producers of blanks, excepting those provided for under Division A.

M. GLASSWARE CUTTING AND DECORATING DIVISION (nonmelting plants) includes all cutting, acid etching, needle etching, sand blasting or other embellishments added to glassware blanks by manufacturers performing this function only, excepting those provided for under Division A.

N. MISCELLANEOUS GLASSWARE DIVISION includes all glass products not specifically defined under other Divisions in this article, such as glass novelties, glass specialties, private-mould articles.

ARTICLE III—MAXIMUM HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours per week, as averaged over a period of thirteen (13) weeks except such employees as are expressly exempted from the provisions of this article, provided, however, that in no case shall any employees be permitted to work in excess of forty-eight (48) hours during any one (1) week.

SEC. 2. *Hours for Clerical and Office Employees.*—No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours per week averaged over each four (4) weeks' period and not in excess of forty-eight (48) hours in any one week.

SEC. 3. *Exceptions as to Hours.*—The provisions of this article shall not apply to traveling salesmen; or to employees engaged in emergency repair work; or to persons employed in a managerial or executive capacity or on technical and laboratory staffs who earn thirty-five dollars (\$35.00) per week, or more.

SEC. 4. *Watchmen.*—No watchmen shall be permitted to work in excess of eighty-four (84) hours in any two weeks' period.

SEC. 5. *Furnacemen, Gas Makers, Engineers, and Pot Fillers.*—No furnacemen, gas makers, engineers, and pot fillers shall be permitted to work in excess of forty-two (42) hours per week.

SEC. 6. *Where Skilled Employees Not Available.*—Where skilled employees are not available, with the approval of the Code Authority and the Administrator, the maximum hours for skilled employees may be in excess of the maximum hours herein specified for a period not to exceed three (3) months after the effective date of this Code.

SEC. 7. *Employment by Several Employers.*—No employee shall be permitted to work for a total number of hours in excess of the number of hours herein prescribed, whether he be employed by one or more employers.

ARTICLE IV—MINIMUM WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of forty (40) cents per hour, except as otherwise herein provided, unless the hourly rate for the same class of work on July 15, 1929, was less than forty (40) cents per hour, in which case the minimum wage shall be not less than the wages paid in July, 1929, and in no case less than thirty (30) cents per hour.

SEC. 2. *Piecework Compensation, Minimum Wages.*—This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on time rate, piecework performance, or other basis.

SEC. 3. *Learners.*—No learner shall be paid in any pay period less than at the rate of eighty (80%) percent of the minimum rates of pay specified in this Code. Learners whose period of learning shall not exceed six (6) months shall be persons without previous experience or employment in the Industry and the total number of such learners shall not exceed more than five (5%) percent of the total number of employees in any one plant. The provisions of this section shall not be so applied as to defeat the purposes and intent of the Act.

SEC. 4. *Wages above minimum.*—It is declared to be the policy of the members of the Industry to refrain from reducing the wage rates of employees whose hourly rates of wages through the first six months of 1933 were in excess of the minimum wages herein prescribed; also to maintain the weekly earnings of such employees, except in extreme cases where the hours have been drastically reduced, notwithstanding that the maximum hours prescribed by this Code may be below the average weekly hours worked during the first six months of 1933. It is further declared as a policy that the hourly wages of this class of employees be adjusted upward in an equitable manner to effectuate this policy. The Division Administrative Committees shall, within three (3) months after the effective date of this Code, recommend to the Code Authority a schedule of minimum rates of wages; which shall be adjusted in such a manner as to provide against inequality between the various plants in the Industry, and the Code Authority shall thereupon file such schedules with the Administrator as an amendment to this Code and when approved by the President, shall have the same force and effect

as any other amendment or provision hereof. Nothing in this section shall be construed as affecting any contractual relations with labor organizations.

SEC. 5. *Female Employees*.—Female employees performing the same work as male employees and employed during the same work period, shall receive the same rates of pay as male employees.

SEC. 6. *Handicapped Persons*.—A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor*.—No persons under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SEC. 2. *Provisions from the Act*.—In compliance with Section 7(a) of the Act it is provided:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 3. *Reclassification of Employees*.—No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

SEC. 4. *Standards for Safety and Health*.—Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

SEC. 5. *State Laws*.—No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, than are imposed by this Code.

SEC. 6. *Payment of Wages.*—No employer shall make payment of any wages due other than in lawful currency or by negotiable check payable on demand.

SEC. 7. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

SECTION 1. *Organization and Constitution.*—A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of not less than seven (7) and not more than fourteen (14) members to be chosen by the members of this industry by a majority vote, as defined in Section 7 of Article II. The Administrator in his discretion may appoint not more than three (3) additional members without vote, and without compensation from the industry, to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

SEC. 2. Vacancies in the personnel of the Code Authority selected by the industry shall be filled through appointment by the Administrator upon nomination of the Code Authority.

SEC. 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall impose no inequitable restrictions on membership, and shall submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SEC. 4. In order that the Code Authority shall at all times be representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SEC. 5. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof either by becoming a member of the association and paying to the association the dues provided to be paid by a member in like standing or assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SEC. 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code

Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

SEC. 7. Powers and Duties.—The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove any action taken by the Code Authority.

(a) To administer the provisions of this Code and provide for the compliance of the industry with the provisions of the Act, and to propose and submit to the Administrator amendments and/or modifications of this Code, for the approval of the President.

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission to the staff by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) To designate the American Glassware Association and such other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To designate the following divisions and subdivisions as the agency of the Code Authority for the administration of the Code in each division to the extent permitted under the provisions of this Code and of the Act:

1. ILLUMINATING GLASSWARE DIVISION.
2. TECHNICAL AND INDUSTRIAL GLASSWARE DIVISION :
 - Subdivision (a) Glass Parts for Electrical Devices.
 - Subdivision (b) Glass Insulators and Insulation.
 - Subdivision (c) Signal Glassware.
 - Subdivision (d) Vacuum Glassware.
 - Subdivision (e) Cooking Glassware.
3. LAMP CHIMNEYS AND LANTERN GLOBES DIVISION.
4. SCIENTIFIC GLASSWARE DIVISION.
5. AUTOMATIC TUMBLER GLASSWARE DIVISION.
6. AUTOMATIC GLASSWARE DIVISION.
7. AUTOMOBILE GLASSWARE DIVISION.
8. BLOWN TABLE GLASSWARE DIVISION.
9. BLOWN GLASSWARE DIVISION.
10. PRESSED GLASSWARE DIVISION A.
11. PRESSED GLASSWARE DIVISION B.
12. GLASSWARE CUTTING AND DECORATING DIVISION (melting).

13. GLASSWARE CUTTING AND DECORATING DIVISION (nonmelting).

14. MISCELLANEOUS GLASSWARE DIVISION.

- (a) Each Division or Subdivision may, by majority vote as defined in Article II, Section 7, elect a Division Administrative Committee.
- (b) Other Divisions or Subdivisions may be established, from time to time, by interested groups of manufacturers upon application to, and approval by, the Code Authority, provided that such application is authorized by seventy-five (75%) percent of the membership within a particular group. When approved by the Code Authority the names of such Divisions or Subdivisions shall be submitted as an amendment to this Code, and if approved by the Administrator, shall be added to the list of those recognized in this section.
- (f) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.
- (g) To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.
- (h) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with this Code.
- (i) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.
- (j) To provide that—
 - (a) Any interested person shall have the right of complaint to the Code Authority and of a prompt hearing and decision thereon in respect to any decision, rule, regulation, or other course of action of any divisional administrative committee. Such complaint must be filed in writing with the Code Authority within a reasonable period of time after said decision, rule, regulation, or course of action is issued or taken. The decision of such Code Authority may be appealed by any interested person to the Administrator, and
 - (b) Any interested person shall have the right of appeal to the Administrator, under such rules and regulations as the Administrator may prescribe, in respect to any decision, rule, regulation, or other course of action, issued, or taken by the Code Authority.
- (k) To establish a system of cost finding which, after approval by the Administrator, shall be the basis used in determining the cost of any product of a member of the industry.

SEC. 8. To provide that any decision, rule, regulation, order, or finding made or course of action followed pursuant to any provision

of this Code, may be cancelled or modified by the Administrator whenever he shall determine such action necessary to effectuate the provisions of the Act.

ARTICLE VII—PRICE LISTS, DISCOUNTS, TERMS

SECTION 1. Each member of the Industry producing glassware in Division A and Division C, as defined in Article II, Section 9, shall upon the effective date of this Code, file with the Staff a net price list or a price list and discount sheet, as the case may be, individually prepared by him on the basis of an adequate cost finding method, showing his current prices, or prices and discounts, and all terms and conditions of sale on all competitive articles of glassware produced by him. Such price lists and terms and conditions of sale, so filed with the Staff, shall be open to inspection at all reasonable times by any interested party. Revised price lists may be filed from time to time thereafter with the Staff by any member producing glassware in the Division, provided, however, that such revisions shall be filed with the Staff at least ten (10) days in advance of the effective date thereof, and provided further that any other member producing glassware in either Division may file revisions of his net price list, or price lists and discount sheets, or terms and conditions of sale, to meet the revisions first filed which may become effective on the date when the revised price list or revised terms and conditions of sale first filed shall become effective.

(a) No member producing glassware in either Division shall divulge to any customer or to any other member of the industry revisions in prices, or terms and conditions of sale, prior to the effective date of such revisions.

(b) No member of the industry shall sell directly or indirectly or permit any agent to sell from warehouse or consigned stocks any products of the industry covered by the provisions of this section at a price lower, or at a discount greater, or on more favorable terms of payment or conditions of sale, than those provided in his current net price lists, or price lists and discount sheets.

ARTICLE VIII—TRADE PRACTICE RULES

SECTION 1. The following shall constitute trade practice rules for this industry:

Rule 1. *Inaccurate Advertising.*—No member of the industry shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including, but without limitation, its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

Rule 2. *False Billing.*—No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

Rule 3. *Inaccurate Labelling.*—No member of the industry shall brand or mark or pack any goods in any manner which is intended

to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation of such goods.

Rule 4. *Inaccurate References to Competitors, etc.*—No member of the industry shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services.

Rule 5. *Selling Below Cost.*—No member of the industry shall sell any products below cost, as determined by an adequate cost finding system adopted by the Code Authority and approved by the Administrator, provided, however, that dropped lines, seconds or inventories which must be converted into cash may be disposed of in such a manner and on such terms and conditions as the division administrative committee may approve in order to move such products into buyers' hands. The Code Authority may, from time to time, require manufacturers to furnish to the Staff complete information relating to their costs. Such information shall be deemed confidential and shall not be divulged to any manufacturer or other person not a member of the Staff of the Association except as may be required by the Administrator.

Rule 6. *Threats of Law Suits.*—No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

Rule 7. *Secret Rebates.*—No member of the industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

Rule 8. *Bribing Employees.*—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal, or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

Rule 9. *Interference with Another's Contracts.*—No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

Rule 10. *Coercion.*—No member of the industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

Rule 11. *Blacklisting.*—No member of the industry shall join or participate with other members of the industry who with such members constitute a substantial number of members of the industry or

who together control a substantial percent of the business in any specific product or products of the industry, in any transaction known in law as a blacklist, including any practice or device (such as a whitelist), which accomplishes the purpose of a blacklist.

RULE 12. *Gifts, Advertising, Contributions, etc.*—No member of the industry shall give or offer to give any gifts in the form of money, advertising contributions, or otherwise to customers or groups of customers in connection with the sale of products or an inducement thereto by any scheme which involves lottery, misrepresentation, or fraud.

RULE 13. *Imitation of Design.*—No member of the industry shall imitate a competitor's trade mark, trade name, or exclusive, or established design of product, or package, intended to identify the maker or vendor of said product, when the effect of such imitation may be to cause confusion in the minds of purchasers with reference to the identity of the maker thereof.

SEC. 2. *Additional Trade Practices.*—Each division or subdivision of the industry may propose amendments relative to the filing of discounts, commissions, or brokerage fees, credit terms, package charges, freight equalization, and other terms of sale and/or other trade practice rules and submit the same to the Administrator through the Code Authority.

ARTICLE IX—CONTROL OF PRODUCTION

SECTION 1. Members of the industry within fifteen (15) days after the effective date of this Code shall register with the Code Authority their present melting capacity of continuous tank equipment and tonnage capacity of furnaces and day tanks.

SEC. 2. No person, partnership, association, corporation, or other form of enterprise engaged in the industry or for the purpose of engaging in the industry shall install any new or additional melting capacity, in whole or in part, after the effective date of this Code, until it has been established to the satisfaction of the Administrator, upon application, that such new or additional installations will not be in contravention of the purposes and intent of the Act, provided, however, that nothing in this Section shall be interpreted to prevent the consummation of any contract bona fide executed prior to the approval of this Code or the replacement of obsolete or worn out equipment with equipment of identical, or less, melting capacity.

SEC. 3. The Code Authority shall make recommendations to the Administrator regarding the granting or withholding of such certificates.

ARTICLE X—IMPORTS

SECTION 1. The Code Authority shall make such investigations as may be found necessary to determine the effect of imports upon the industry. If it should be found that competitive articles are being imported into the United States in substantial quantities or in increasing ratio to domestic production or on such terms or under such conditions as to render ineffective or seriously to endanger the main-

tenance of the provisions of this Code, the Code Authority shall make application to the President for relief as provided in Section 3(e) of Title I of the National Industrial Recovery Act.

ARTICLE XI—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

SEC. 2. This Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application to the Administrator and such notice and hearing as he shall specify, and shall become effective upon approval of the Administrator, unless otherwise provided.

ARTICLE XII—MONOPOLIES, ETC.

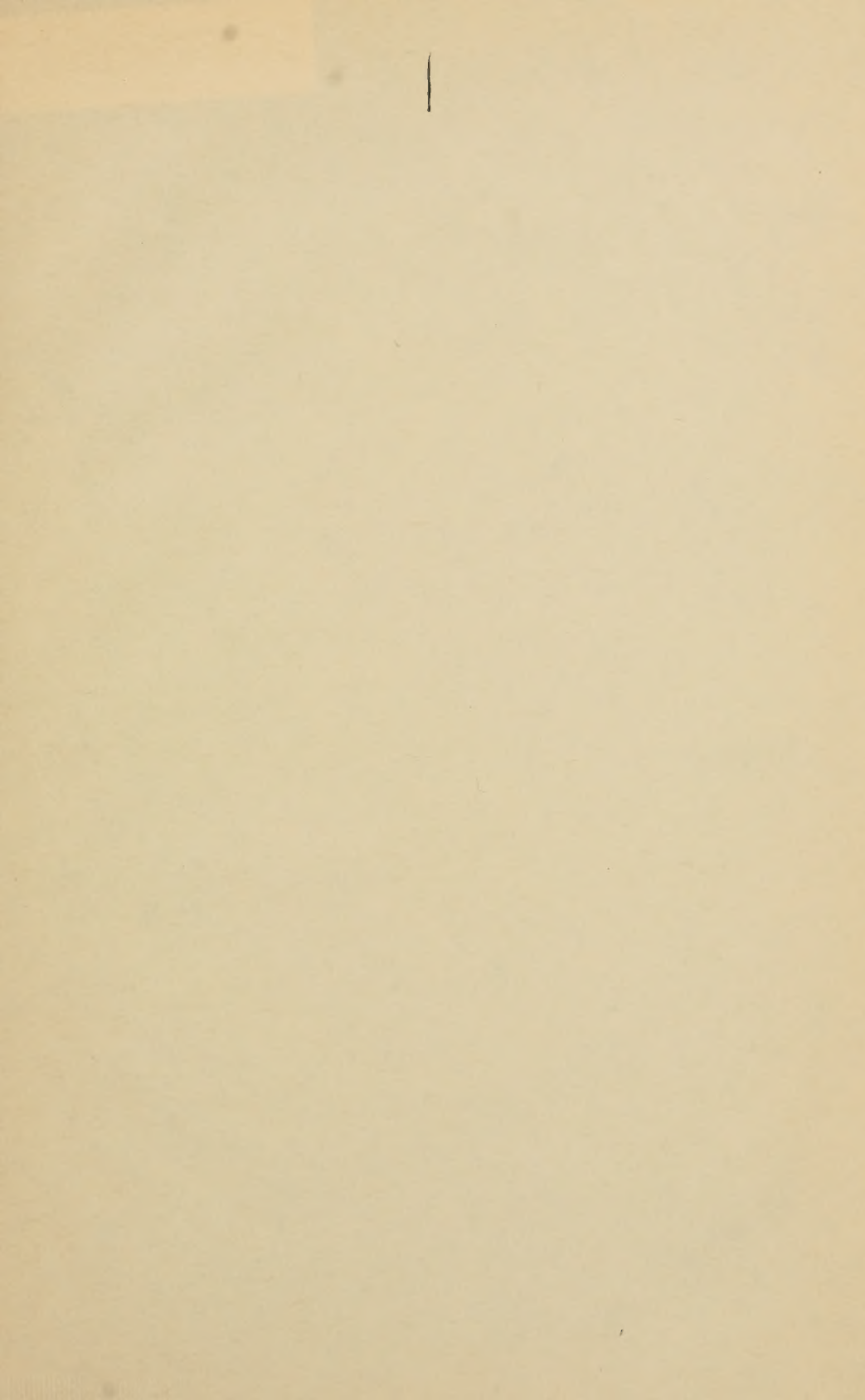
1. No provision of this Code shall be so applied as to permit monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XIII—EFFECTIVE DATE

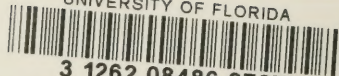
This Code shall become effective fifteen (15) days after its approval by the President.

Approved Code No. 215.
Registry No. 1022-04.





UNIVERSITY OF FLORIDA



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